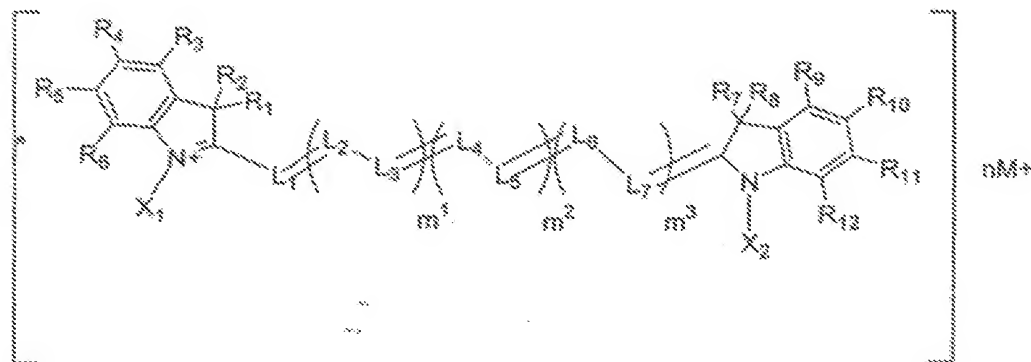


This listing of claims will replace all prior versions, and listings, of claims in the application:

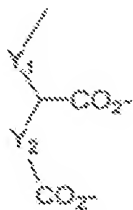
### **Listing of Claims:**

1. (Currently Amended) A near infrared fluorescent contrast agent comprising a compound ~~represented by~~ of the following formula ~~II~~ or a pharmaceutically acceptable salt thereof:



wherein  $R^1$ ,  $R^2$ ,  $R^7$ , and  $R^8$  independently represent a substituted or unsubstituted  $C_1$ - $C_{10}$  alkyl group or a substituted or unsubstituted aryl group, ~~and~~ or  $R^1$  and  $R^2$  and/or  $R^7$  and  $R^8$  ~~may~~ bind to each other to form a ring;  $R^3$ ,  $R^4$ ,  $R^5$ ,  $R^6$ ,  $R^9$ ,  $R^{10}$ ,  $R^{11}$  and  $R^{12}$  independently represent a hydrogen atom, a substituted or unsubstituted  $C_1$ - $C_6$  alkyl group, a substituted or unsubstituted aryl group, a substituted or unsubstituted heteroaryl group, a halogen atom, cyano group, carboxyl group, or sulfo group, ~~and~~ or  $R^3$ ,  $R^4$ ,  $R^5$ ,  $R^6$ ,  $R^9$ ,  $R^{10}$ ,  $R^{11}$ , and  $R^{12}$  ~~may~~ bind to each other to form a ring;  ~~$X^1$  and  $X^2$~~

~~independently~~ represents a substituted or unsubstituted  $C_1$ - $C_{15}$  alkyl group or a substituted or unsubstituted aryl group and  $X^1$  and  $X^2$  ~~in total have 0 to 4 carboxyl groups, provided that when the number of the carboxyl group is 0 or 1, each of  $X^1$  and  $X^2$  is a  $C_1$ - $C_5$  carboxyalkyl group or a sulfoalkyl group and at least one of  $R^3$ ,  $R^4$ ,  $R^5$ ,  $R^6$ ,  $R^9$ ,  $R^{10}$ ,  $R^{11}$ , and  $R^{12}$  represents a substituted or unsubstituted aryl group or a substituted or unsubstituted heteroaryl group;~~ is a group represented by the following formula



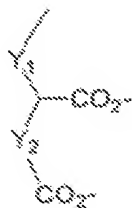
wherein  $Y^1$  and  $Y^2$  independently represent a substituted or unsubstituted divalent linking group and  $X^1$  and  $X^2$  in total have 2 or 4 carboxyl groups;  $m^1$  represents 0 or 1;  $m^2$  represents 0 or 1;  $m^3$  represents 0 or 1;  $L^1, L^2, L^3, L^4, L^5, L^6$ , and  $L^7$  independently represent a substituted or unsubstituted methine group, provided that when two or more of the methine groups have substituents, the substituents may bind to each other to form a ring, ~~provided that when each of  $X^1$  and  $X^2$  has one carboxyl group, each of  $X^1$  and  $X^2$  is carboxyl group substituted hydrocarbon group and at least one of the methine groups represented by  $L^1, L^2, L^3, L^4, L^5, L^6$ , and  $L^7$  is a substituted methine group and  $R^4$  and  $R^{10}$  represent a sulfo group~~; M represents a hydrogen atom, a metal, or a quaternary ammonium salt; and n represents an integer of 1 to 7 necessary for neutralizing charge

and a pharmaceutically acceptable carrier for diagnostic imaging.

2. (Original) The near infrared fluorescent contrast agent according to claim 1, wherein each of  $m^1, m^2$ , and  $m^3$  is 1.

3. (Canceled)

4. (Currently Amended) The near infrared fluorescent contrast agent according to claim 1, wherein  $X^1$  and  $X^2$  independently represent a group represented by the following formula (†):



wherein  $Y^1$  and  $Y^2$  independently represent a substituted or unsubstituted a divalent bond.

5. (Original) The near infrared fluorescent contrast agent according to Claim 1, wherein at least one of  $R^3$ ,  $R^4$ ,  $R^5$ ,  $R^6$ ,  $R^9$ ,  $R^{10}$ ,  $R^{11}$ , and  $R^{12}$  is a substituted or unsubstituted aryl group or a substituted or unsubstituted heteroaryl group.

6. (Canceled)

7. (Canceled)

8. (Original) The near infrared fluorescent contrast agent according to Claim 3 wherein  $Y_1$  represents  $-(CH_2)_pCONH-$  wherein  $p$  represents an integer of 1 to 4 and  $Y_2$  represents  $-(CH_2)-$  or  $(CH_2)_2-$ .

9. (Currently Amended) The near infrared fluorescent contrast agent according to Claim 1, ~~which is used~~ adapted for tumor imaging.

10. (Currently Amended) The near infrared fluorescent contrast agent according to Claim 1, ~~which is used~~ adapted for angiography.

11. (Currently Amended) A method of fluorescence imaging which comprises the steps of introducing the near infrared fluorescent contrast agent according to Claim 1 into a living body, exposing said body to an excitation light, and detecting near infrared fluorescence from the contrast agent.

12. (New) A method of claim 11 for tumor imaging.

13. (New) A method of claim 11 for angiography.